

IN RE: PETITIONS FOR SPECIAL EXCEPTION \* BEFORE THE  
AND ZONING VARIANCE - Corner \* DEPUTY ZONING COMMISSIONER  
NE/S Hazelwood Avenue, E/S of \* OF BALTIMORE COUNTY  
Westwood Avenue (4902 Hazelwood Avenue)  
14th Election District \* Case No. 90-248-XA  
6th Councilmanic District  
Ambrose A. Fellner, et al  
Petitioners

FINDINGS OF FACT AND CONCLUSIONS \* LAW

The Petitioners herein request a special exception to permit a service garage on the subject property zoned B.L.-C.N.S. and variances to permit parking spaces to be located 0 feet from the street property line in lieu of the required 10 feet in accordance with Petitioner's Exhibit 1.

The Petitioners, Joseph M. Fellner, appeared and testified. Also appearing on behalf of the Petition were, Raymond P. Cosgrove, Jr., Contract Purchaser, William P. Monk, Land Planning & Zoning Consultant, and Michael P. Neubauer. There were no Protestants.

Testimony indicated that the subject property, known as 4902 Hazelwood Avenue, consists of .42 acres zoned B.L.-C.N.S. and is improved with a one story building containing 1,628 sq-ft. of floor space currently used for an electrical contractors office and storage. Mr. Cosgrove is desirous of converting the subject building into an auto repair and service garage facility. Testimony indicated that the subject property was originally used as a two-bay ARCO gasoline service station subsequent to a reclassification and special exception granted in Case No. 65-186-RX. Thereafter, in 1976, the property was converted to its current use as an electrical contractors office and storage area. Petitioners submitted photographs depicting the present condition of the property and surrounding uses. Testimony indicated there would be no exterior changes to the

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property other than converting some of the walls to install bay doors. Mr. Cosgrove has been employed in the service garage repair business for the past 10 years, the last 7 of which he has been self-employed. Petitioner testified there would be no body and fender work or painting done on the premises and that the hours of operation would be limited to from 7:00 AM to 7:00 PM, Monday through Friday, and from 7:00 AM to 2:30 PM on Saturdays, with no hours on Sundays. Petitioner testified that the number of employees would not exceed five, including Petitioner. Petitioner agreed that there would be no outside service work performed. Petitioner further agreed that there would be no external freestanding signs on the property and that any and all signs would be those permitted as of right by the zoning regulations, either placed on the building or on the roof. Petitioners further agreed that they would move the dumpster currently located in the front of the property to the rear and would work with the Baltimore County Landscape Planner to develop an appropriate landscaping plan for the front and sides of the subject site. Pictures introduced indicated that there is an adequate buffer of trees to the rear of the site; however, the Baltimore County Landscape Planner may determine that fencing is required in the event the buffer which is currently maintained by the adjoining property is removed.

The pictures introduced by Petitioners also depict a fence which Petitioner dictates is there for security reasons. However, the fence is aesthetically unpleasing and offensive due to its proximity to the street, its size, and the materials used without any landscape buffering. The relief granted herein will be subject to revising the fencing of the property and possibly even a reduction of the area fenced.

Testimony indicated that the Petitioners' request for a variance

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is necessitated due to the unique shape of the subject property which is an elongated pie shaped lot with its point located at the corner end of the site at the intersection of Hazelwood and Westwood Avenues. To the north and south of the subject site are existing residential properties, and to the rear are undeveloped portions of R.O. zoned property. As indicated on the plat, the proposed parking spaces are not needed to meet the requirements of the B.C.Z.R.

The Deputy Director of Planning and Zoning originally submitted comments that were not in favor of the subject request. Subsequent to discussions with Mr. Monk, the Office of Planning and Zoning submitted revised comments dated December 26, 1989 indicating their support of Petitioners' request, subject to the conditions set forth therein.

Petitioners and Mr. Monk presented testimony which addressed the requirements of Section 502.1. It was their opinion that the granting of the special exception would not result in any detriment to the health, safety or general welfare of the community and that all the requirements set forth therein will be met.

It is clear that the B.C.Z.R. permits the use proposed in a B.L.-C.N.S. zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest.

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The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, or in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After due consideration of the testimony and evidence presented, it appears that the relief requested in the special exception should be granted subject to the restrictions set forth hereinafter.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Loley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

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Date 1/23/90  
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It is clear from the testimony that if the variance is granted, subject to the restrictions imposed hereinafter, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested in the Petitions for Special Exception and Zoning Variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 13th day of February, 1990 that the Petition for Special Exception to permit a service garage on the subject property zoned B.L.-C.N.S. and the Petition for Zoning Variance to permit parking spaces to be located 0 feet from the street property line in lieu of the required 10 feet, in accordance with Petitioner's Exhibit 1, be and are hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding in this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Compliance with the requirements of the Department of Environmental Protection and Resource Management, Bureau of Water Quality, as set forth in their comments dated September 27, 1989.
- 3) Compliance with the Office of Planning and Zoning revised comments dated December 26, 1989.
- 4) Prior to the issuance of any permits, Petitioner shall submit a landscaping plan for approval by the Baltimore County Landscape Planner. A copy of the approved plan shall be submitted to the Zoning Commission's Office for inclusion in the case file.

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Date 1/23/90  
By [Signature]

Commissioner's Office for inclusion in the case file.

5) Prior to the issuance of any permits, Petitioner shall submit a fencing plan to the Deputy Director of Planning and Zoning and thereafter to the Deputy Zoning Commissioner for approval. Said fencing shall be different from that currently existing on the property and may be reduced as deemed appropriate by the Deputy Director of Planning at his sole discretion.

6) Petitioner shall at all times maintain the landscaping and fencing required in accordance with the approved landscaping plan.

7) There shall be no storage of damaged or disabled vehicles outside any approved fenced area.

8) There shall be no body and/or fender work or painting done on the premises. All service work shall be done inside the bay areas.

9) Hours of operation shall be limited to 7:00 AM to 7:00 PM, Monday through Friday, and 7:00 AM to 2:30 PM on Saturdays, with no Sunday hours.

10) The number of employees working at the subject location shall not exceed five (5), including the Petitioner.

11) There shall be no external freestanding signs placed on the property, even those permitted as of right, without filing a Petition for Special Hearing to approve an amendment of the instant case.

12) All dumpsters on the property shall be placed in the rear and screened as required by the Baltimore County Landscape Planner.

13) The parking variance granted herein is valid only as long as Hazelwood Avenue is not widened. In the event Hazelwood Avenue is widened along the subject property, the variance granted herein shall be rescinded and parking in said spaces shall cease immediately.

14) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

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By [Signature]

ANN W. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Townson, Maryland 21284  
(301) 887-3333  
J. Robert Hines  
Zoning Commissioner

February 13, 1990



Mr. Joseph M. Fellner  
Ms. Ambrose A. Fellner  
9623 Philadelphia Road  
Baltimore, Maryland 21237

RE: PETITIONS FOR SPECIAL EXCEPTION AND ZONING VARIANCE  
Corner, NE/S Hazelwood Avenue, E/S Westwood Avenue  
(4902 Hazelwood Avenue)  
14th Election District - 6th Councilmanic District  
Joseph M. Fellner, et ux - Petitioners  
Case No. 90-248-XA

Dear Mr. & Mrs. Fellner:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Zoning Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

[Signature]  
ANN W. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

ANN:hjs  
cc: People's Counsel  
File

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-248-XA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for SERVICE GARAGE in a B.L.-C.N.S. zoning district (Section 230.13.BCZR).

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

|  |  |  |
|--|--|--|
| Contract Purchaser:<br>Raymond P. Cosgrove, Jr.<br>(Type or Print Name)<br>Signature<br>3512 Glen Oak Drive<br>Address<br>Jarettsville, MD 21084<br>City and State | Legal Owner(s):<br>Ambrose A. Fellner<br>(Type or Print Name)<br>Signature<br>3512 Glen Oak Drive<br>Address<br>Jarettsville, MD 21084<br>City and State | Signature<br>9623 Philadelphia Road 301-887-5151<br>Baltimore, MD 21237<br>City and State<br>Name, address and phone number of legal owner, contract purchaser or representative to be contacted<br>William P. Monk, Inc.<br>100 Pennsylvania Avenue, Suite 305<br>Townson, MD 21204 494-8931<br>Address Phone No. |
|--|--|--|

Attorney for Petitioner:  
(Type or Print Name)  
Signature  
Address  
City and State  
Attorney's Telephone No.:

ORDERED By the Zoning Commissioner of Baltimore County, this 4 day of Oct, 19 89, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 22 day of Dec, 19 89, at 9:30 o'clock A.M.

[Signature]  
J. Robert Hines  
Zoning Commissioner of Baltimore County

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Date 1/23/90  
By [Signature]

**PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or William Reinhardt, legal owner, of the property shown in the attached plat and which is described in the description and plat attached hereto and made a part hereof hereby petition (1) that the zoning status of the herein described property be reclassified, pursuant to the Zoning Law of Baltimore County, from an Industrial District to Residential District and (2) that the zoning status of the herein described property be reclassified, pursuant to the Zoning Law of Baltimore County, from an Industrial District to Residential District.

see attached description

and (3) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for residential purposes.

Property to be granted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above reclassification and/or Special Exception advertising, printing, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

William Reinhardt Petitioner  
William Reinhardt Attorney  
William Reinhardt Attorney

Address 252-1124  
Woodson, Chapman & Kinross  
A. Owen Kinross

Address 252-1124  
Woodson, Chapman & Kinross  
A. Owen Kinross

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Woodson, Chapman & Kinross  
A. Owen Kinross

Address 252-1124  
Woodson, Chapman & Kinross  
A. Owen Kinross

Permitted to the advertisement, posting of papers, and public hearing on the above petition and it appearing that by reason of the zoning status of the neighborhood

the above reclassification should be had and it further appearing that by reason of the zoning status of the neighborhood

a Special Exception for residential purposes should be granted. IT IS ORDERED by the Zoning Commissioner of Baltimore County, Md., that the herein described property or use should be and the same is hereby reclassified from Industrial District to Residential District.

and/or Special Exception for residential purposes should be and the same is granted, from and after the date of this order subject to approval of the site plan by the Bureau of Public Services and the Office of Planning and Zoning.

Permitted to the advertisement, posting of papers and public hearing on the above petition and it appearing that by reason of the zoning status of the neighborhood

the above reclassification should NOT BE HAD, and/or the Special Exception should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, Md., that the herein described property or use be and the same is hereby reclassified from Industrial District to Residential District.

Zoning Commissioner of Baltimore County

Maryland  
Surveying and  
Engineering Co., Inc.

**ZONING DESCRIPTION**

1902 - 08 Hazelwood Avenue  
11th District, Baltimore County

BEGINNING for the same at the intersection formed by the North side of Hazelwood Avenue and the East side of Westwood Avenue; thence binding on the North side of Hazelwood Avenue, South 62 degrees 27 minutes 43 seconds East, 250 feet to the beginning point of Zoning Section Number 645 dated May 10th, 1961; thence leaving the North side of Hazelwood Avenue and running North 27 degrees 37 minutes 17 seconds East 170 feet, more or less; thence South 86 degrees 53 minutes 53 seconds West 303 feet, more or less, to the place of beginning.

SCALE: 1" = 100'  
1/16" = 10'

OFFICE OF PUBLIC SERVICES  
BALTIMORE COUNTY, MARYLAND

Noted for William Reinhardt from 45-1124  
Petitioner William Reinhardt  
Location of property 1902-08 Hazelwood Ave. 11th District  
Location of sign on property  
Noted by William Reinhardt  
Filed by William Reinhardt

Maryland  
Surveying and  
Engineering Co., Inc.

**ZONING DESCRIPTION**

1902 - 08 Hazelwood Avenue  
11th District, Baltimore County

BEGINNING for the same at the intersection formed by the North side of Hazelwood Avenue and the East side of Westwood Avenue; thence binding on the North side of Hazelwood Avenue, South 62 degrees 27 minutes 43 seconds East, 250 feet to the beginning point of Zoning Section Number 645 dated May 10th, 1961; thence leaving the North side of Hazelwood Avenue and running North 27 degrees 37 minutes 17 seconds East 170 feet, more or less; thence South 86 degrees 53 minutes 53 seconds West 303 feet, more or less, to the place of beginning.

SCALE: 1" = 100'  
1/16" = 10'

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING  
COUNTY OFFICE BUILDING  
11th District, Baltimore County

Noted for William Reinhardt from 45-1124  
Petitioner William Reinhardt  
Location of property 1902-08 Hazelwood Ave. 11th District  
Location of sign on property  
Noted by William Reinhardt  
Filed by William Reinhardt

The Zoning Advisory Commission has reviewed the subject petition and makes the following comments:  
OFFICE OF PLANNING AND ZONING: The petitioners also should be advised to indicate the following: (a) the line of the proposed building located on the east side of property, (b) parking data.  
BUREAU OF PLATE FINISHING: The petitioners engineer should contact this office prior to re-submitting the revised plans.  
BUREAU OF ENGINEERING: All rules and submit any necessary comments at a later date.

In compliance from the following Departments:  
Board of Education  
Health Department  
S & B Commission  
Building Department  
Del. of Public Administration  
State Parks Commission  
Fire Bureau

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE  
No. 27621

Advertisement for residential purposes for 1902-08 Hazelwood Ave.  
No. 27621  
Date 10-11-61

ADVERTISERS SHOULD PAY TO BALTIMORE COUNTY, MARYLAND, FOR DIVISION OF COLLECTION & RECEIPTS, 1000 BALTIMORE AVENUE, BALTIMORE, MARYLAND, PLEASE REFER UPPER SECTION OF THIS BILL TO THE ABOVE OFFICE.

CERTIFICATE OF PUBLICATION  
TOWSON, MD. THE 11th DAY OF OCTOBER, 1961.

THIS IS TO CERTIFY that the same advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., on the 11th day of October, 1961, at 10:00 A.M., and that the same is hereby published and appearing on the 11th day of October, 1961.

THE JEFFERSONIAN  
S. Leach, Manager

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE  
No. 27665

Advertisement for residential purposes for 1902-08 Hazelwood Ave.  
No. 27665  
Date 10-11-61

ADVERTISERS SHOULD PAY TO BALTIMORE COUNTY, MARYLAND, FOR DIVISION OF COLLECTION & RECEIPTS, 1000 BALTIMORE AVENUE, BALTIMORE, MARYLAND, PLEASE REFER UPPER SECTION OF THIS BILL TO THE ABOVE OFFICE.

# PLAT TO ACCOMPANY SPECIAL EXCEPTION AND VARIANCE APPLICATION

## NOTES:

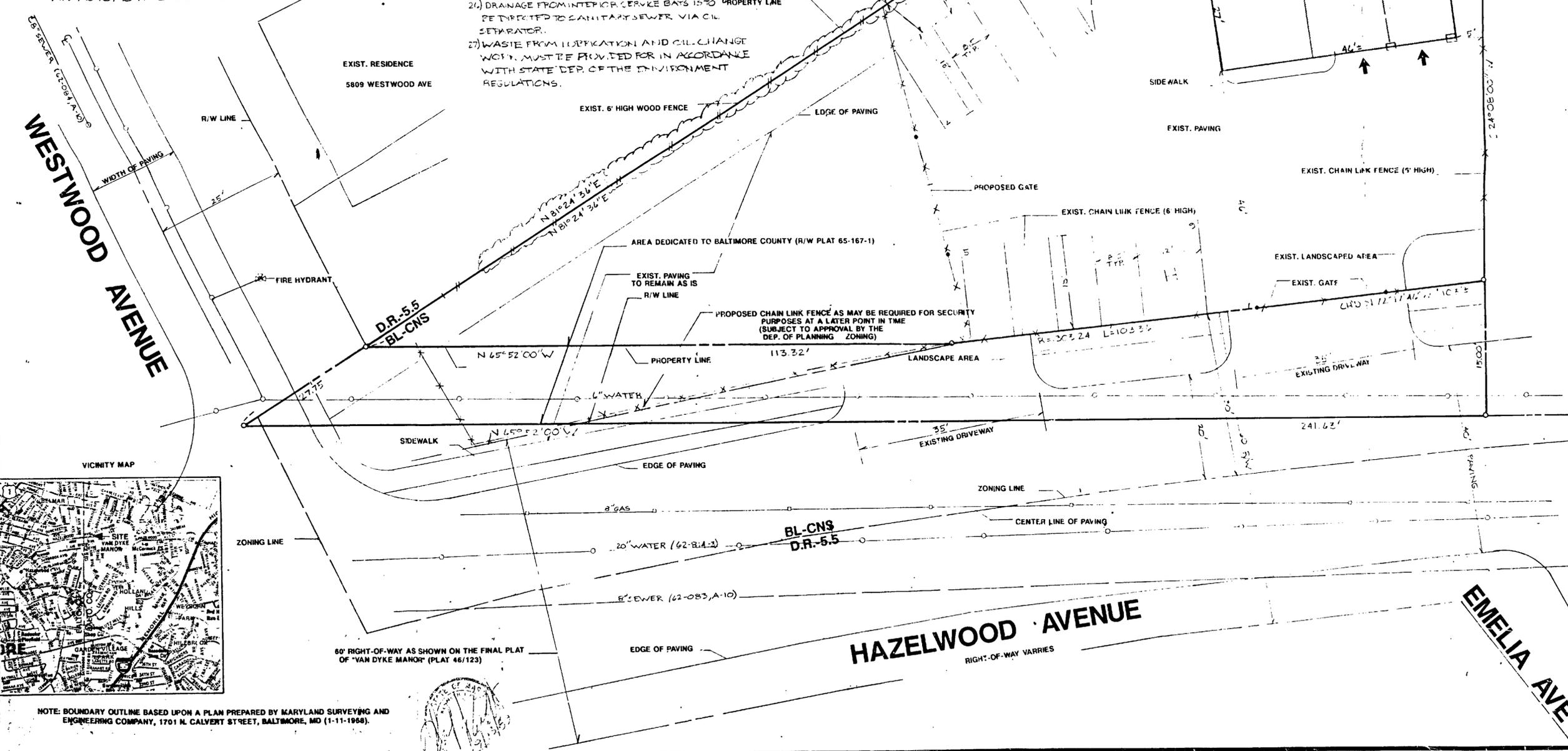
- 1) ZONING:  
 EXISTING- BL-CNS  
 PROPOSED- N/A
- 2) LOT AREA: .42 AC± (GROSS), .34 AC± (NET)
- 3) EXISTING USE: ELECTRICAL CONTRACTORS OFFICE AND STORAGE
- 4) PROPOSED USE: AUTO-REPAIR FACILITY
- 5) BUILDING AREA: 1828 #±
- 6) BUILDING SETBACKS:
 

|                     | REQUIRED | PROVIDED |
|---------------------|----------|----------|
| FRONT-              | 10'      | 46'      |
| INTERIOR SIDE-      | 0'       | 5'       |
| REAR-               | 0'       | 10'      |
| STREET CORNER SIDE- | 10'      | N/A      |
- 7) PARKING:  
 REQUIRED- 1 SPACE/300 # = 7 SPACES  
 PROVIDED- 12 SPACES (INCLUDING 3 SERVICES BAYS)
- 8) UTILITIES:  
 SEWER- PUBLIC  
 WATER- PUBLIC
- 9) VARIANCES:  
 TO ALLOW PARKING SPACES 0' FROM STREET PROPERTY LINE
- 10) SPECIAL EXCEPTION/CONDITIONAL USE:  
 A SPECIAL EXCEPTION IS REQUIRED TO ALLOW AN AUTOMOTIVE SERVICE GARAGE.

CASE NO. 90-248-XA

ORDERED BY THE DEPUTY COUNTY COMMISSIONER FOR PLANNING AND ZONING, THIS 13th DAY OF FEBRUARY, 1990 THAT THE PETITION FOR SPECIAL EXCEPTION TO PERMIT A SERVICE GARAGE ON THE SUBJECT PROPERTY BE GRANTED, SUBJECT, HOWEVER, TO THE FOLLOWING RESTRICTIONS WHICH ARE CONDITIONAL TO THE GRANTING OF THE SPECIAL EXCEPTION:

- 1) The petitioners may apply for their building permit and be granted same upon receipt of this order. However, petitioners are hereby made aware that processing of this case will not begin until such time as the 30-day appeal process from this order has expired. If, for whatever reason, this order is reversed, the petitioners would be required to return, and be responsible for returning, said property to its original condition.
  - 2) Compliance with the requirements of the Department of Environmental Protection and Resource Management, Bureau of Water Quality, as set forth in their comments dated September 21, 1989.
  - 3) Compliance with the Office of Planning and Zoning revised comments dated December 29, 1989.
  - 4) Prior to the issuance of any permits, petitioners shall submit a landscaping plan for approval by the Baltimore County Landscape Planner. Any of the approved plan shall be submitted to the zoning commission's office for inclusion in the case file.
  - 5) Prior to the issuance of any permits, petitioners shall submit a paving plan to the Deputy Director of Planning and Zoning and thereafter to the Deputy County Commissioner for approval. Said paving shall be different from that currently existing on the property and may be reduced as deemed appropriate by the Deputy Director of Planning at his sole discretion.
  - 6) Petitioners shall at all times maintain the landscaping and paving required in accordance with the approved landscaping plan.
  - 7) There shall be no storage of damaged or disabled vehicles outside any approved fenced area.
  - 8) There shall be no body and/or fender work or painting done on the premises. All service work shall be done inside the bay area.
  - 9) Hours of operation shall be limited to 7:00 AM to 7:00 PM, Monday through Friday, and 7:00 AM to 2:30 PM on Saturdays, with no Sunday hours.
  - 10) The number of employees working at the subject location shall not exceed five (5), including the petitioners.
  - 11) There shall be no external freestanding signs placed on the property, even those permitted as of right, without filing a petition for special hearing to approve an amendment of the instant case.
  - 12) All dumpsters on the property shall be placed in the rear and screened as required by the Baltimore County Landscape Planner.
  - 13) The parking variance granted herein is valid only as long as Hazelwood Avenue is not widened. In the event Hazelwood Avenue is widened along the subject property, the variance granted herein shall be rescinded and parking in said spaces shall cease immediately.
  - 14) When applying for a building permit, the site plan and landscaping plan filed must reference this order.
- 24) EXISTING PAVED AREA LOCATED WITHIN THE COUNTY R/W WILL BE CONTINUED TO BE USED AS IS.
  - 25) ALL PARKING SPACES ADJUTING THE COUNTY R/W MAY BE LOST IN THE EVENT HAZELWOOD AVE IS IMPROVED.
  - 26) DRAINAGE FROM INTERIOR SERVICE BAYS IS TO PROPERTY LINE BE DIRECTED TO SANITARY SEWER VIA CIL SEPARATOR.
  - 27) WASTE FROM LUBRICATION AND OIL CHANGE WORK MUST BE PROVIDED FOR IN ACCORDANCE WITH STATE DEP. OF THE ENVIRONMENT REGULATIONS.



## PRELIMINARY SITE PLAN

PROPOSED SERVICE GARAGE  
 4902 HAZELWOOD AVENUE  
 BALTIMORE COUNTY, MARYLAND

PREPARED BY:  
 WILLIAM P. MONK, INC.  
 LAND USE PLANNING - ZONING - ENVIRONMENTAL  
 CIVIL ENGINEERING  
 100 W. PENNSYLVANIA AVENUE  
 TOWSON, MARYLAND 21284  
 (301) 494-8931

PREPARED FOR:  
 RAYMOND P. COSGROVE, JR.  
 3512 GLEN OAK DRIVE  
 JARRETTSVILLE, MARYLAND 21084

SCALE: 1" = 10'  
 DRAWN BY: BFB  
 DATE: 2/7/1989  
 REVISED: 2/14/89

NOTE: BOUNDARY OUTLINE BASED UPON A PLAN PREPARED BY MARYLAND SURVEYING AND ENGINEERING COMPANY, 1701 N. CALVERT STREET, BALTIMORE, MD (1-11-1958).

**PETITION FOR ZONING VARIANCE**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: **90-248-XA**

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 409.8 (A) (4) to allow parking spaces of 110 sq. ft. from street property line in lieu of the minimum 10 feet required.

The parking/paved area presently extends to the street property line. The macadam would have to be removed. The lot was recently resurfaced. The 10' wide landscape strip, if required, would result in the loss of 5 spaces, (out of 9 being proposed) due to the narrowing of the site.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: Raymond P. Cosgrove, Jr. (Type or Print Name) Signature: [Signature] Address: 3512 Glen Oak Drive, Jarrettsville, MD 21084

Legal Owner(s): Ambrose A. Fellner (Type or Print Name) Signature: [Signature]

Attorney for Petitioner: 9623 Philadelphia Rd., Baltimore, MD 21237

Name, address and phone number of legal owner, contract purchaser or representative to be contacted: William P. Monk, Inc., 100 W. Pennsylvania Ave., Suite 305, Towson, MD 21284

ORDERED By the Zoning Commissioner of Baltimore County, this 1st day of Oct 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commission of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 20 day of Dec 1989, at 9:30 o'clock A.M.

*J. Robert Haines*  
Zoning Commissioner of Baltimore County

**ZONING DESCRIPTION**  
PROPERTY KNOWN AS 4902 HAZELWOOD AVENUE  
14TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

- BEGINNING AT A POINT AT THE INTERSECTION OF THE NORTHERN R/W LINE OF HAZELWOOD AVENUE, R/W VARIES, WITH THE EASTERN R/W LINE OF WESTWOOD AVENUE, 50 FEET WIDE, AND RUNNING THE FOLLOWING COURSES AND DISTANCES:
- 1) NORTH 81 DEGREES 24 MINUTES 36 SECONDS EAST, 256.75 FEET.
  - 2) SOUTH 24 DEGREES 08 MINUTES 00 SECONDS WEST, 127.22 FEET.
  - 3) BY A CURVE TO THE LEFT WITH A RADIUS OF 1303.24 FEET THE DISTANCE OF 103.35 FEET.
  - 4) NORTH 65 DEGREES 52 MINUTES 00 SECONDS WEST, 113.32 FEET TO THE PLACE OF BEGINNING, CONTAINING 0.34 ACRES OF LAND MORE OR LESS.



Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21284  
(301) 887-3353



Your petition has been received and accepted for filing this 4th day of October, 1989.

*J. Robert Haines*  
J. ROBERT HAINES  
ZONING COMMISSIONER

Received By: [Signature]  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: Raymond P. Cosgrove  
Petitioner's Attorney:

Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
County Office Building  
Towson, Maryland 21284  
(301) 887-3354

November 9, 1989

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21284

RECEIVED  
NOV 16 1989  
ZONING OFFICE

Dear Mr. Haines:  
The Bureau of Traffic Engineering has no comments for items number 87, 94, 95, 96, 97, 98, 99, 100, 101, 102 and 104.

Very truly yours,  
*Michael S. Flanagan*  
Michael S. Flanagan,  
Traffic Engineer Associate II

MSF/lab

**Tracking System**  
Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning

Receipt FEE  
Date: 11/14/89  
Number: 061110  
TYPE: 01  
Identification Number: 1421206

Petitioner: Cosgrove Jr.  
Property Address: 4902 Hazelwood Avenue

**BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE**

December 13, 1989

Mr. Raymond P. Cosgrove, Jr.  
3512 Glen Oak Drive  
Jarrettsville, MD 21084

RE: Item No. 102, Case No. 90-248-XA  
Petitioner: Raymond P. Cosgrove  
Petition for Special Exception and Zoning Variance

Dear Mr. Cosgrove:  
The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing is scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,  
*James E. Dyer*  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JEP:jw  
Enclosures  
cc: Mr. Ambrose A. Fellner  
Mr. William Monk

**BALTIMORE COUNTY, MARYLAND**  
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines  
Zoning Commissioner  
DATE: December 7, 1989

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: Ambrose A. Fellner, Item 102  
Zoning Petition No. 90-248

The Petitioner requests a Special Exception for a service garage in a BL-CNS zone.

In reference to this request, staff offers the following comments:

- The site is located adjacent to a single-family dwelling residential area.
- A service garage would adversely impact the use of neighboring residential properties.
- A review of the site plan indicates the Petitioner has made no effort to effectively mitigate the impact of the proposed use.

The Office of Planning and Zoning, based on an analysis of the information provided, believes the subject location is inappropriate for a service garage.

Should the Petitioner's request be granted, staff recommends the following conditions:

- Landscaping should be provided in the right-of-way of Hazelwood Avenue between the sidewalk and the existing fence.
- A note shall be included on the landscape plan indicating that any landscaping provided in the public right-of-way shall be maintained by the property owner.
- Should damaged or disabled motor vehicles be stored on the property, the Petitioner will need to improve the site to comply with Section 405A of the Baltimore County Zoning Regulations.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

FK/JL/cmm

**BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT**

Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21284

Zoning Item # 102, Zoning Advisory Committee Meeting of September 26, 1989  
Property Owner: Ambrose A. Fellner  
Location: corner of NE/S of Hazelwood Ave. District: 14  
Water Supply: metro Sewage Disposal: metro

- COMMENTS ARE AS FOLLOWS:
- ( ) Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
  - ( ) Prior to new installation(s) of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 887-3775, to obtain requirements for such installation(s) before work begins.
  - (x) A permit to construct from the Bureau of Quality Management is required for such items as spray paint processes, underground gasoline storage tank(s) (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
  - ( ) A permit to construct from the Bureau of Air Quality Management is required for any charcoal generation which has a total cooking surface area of five (5) square feet or more.
  - ( ) Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
  - ( ) Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, sauna, whirlpools, hot tubs, water and sewage facilities or other appliances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Water Quality Monitoring Section, Bureau of Regional Community Services, 687-6229 x 215.
  - ( ) Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
  - (x) If lubrication work is performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
  - ( ) Prior to razing of existing structure(s), petitioner must contact the Division of Waste Management at 887-3745, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 887-3775.
  - ( ) Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 887-3745.
  - ( ) Soil percolation tests, have been \_\_\_\_\_ must be \_\_\_\_\_ conducted.
  - ( ) The results are valid until \_\_\_\_\_
  - ( ) Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
  - ( ) Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
  - ( ) In accordance with Section 13-117 of the Baltimore County Code, the water well yield test ( ) shall be valid until \_\_\_\_\_
  - ( ) is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
  - ( ) Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
  - ( ) If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted. For more information contact the Division of Environmental Management at 887-3980.
  - ( ) In order to subdivide this property, the owner or developer will be required to comply with the subdivision regulations of the State of Maryland and Baltimore County. If there are any questions regarding the subdivision process, please contact the Land Development Section at 887-2762.
  - (x) Others Drainage from interior service bays is to be directed to sanitary sewer via oil separator.

*G. D. Petrus*  
G. D. PETRUS  
BUREAU OF LAND QUALITY AND RESOURCE MANAGEMENT

Baltimore County  
Fire Department  
800 York Road  
Towson, Maryland 21284-5586  
(301) 887-4500  
Paul H. Retzke  
Chief

September 25, 1989



J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

Dennis F. Rasmussen  
County Executive

RE: Property Owner: AMBROSE A. FELLNER  
Location: CORNER OF NE/S OF HAZELWOOD AVENUE  
Item No.: 102 Zoning Agenda: SEPTEMBER 26, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *[Signature]* Noted and Approved: *[Signature]*  
Planning Group Fire Prevention Bureau  
Special Inspection Division

JK/REN

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines  
Zoning Commissioner  
FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning  
SUBJECT: Ambrose A. Fellner, Item 102  
Zoning Petition No. 90-248

DATE: December 26, 1989

RECEIVED  
DEC 28 1989

ZONING OFFICE

Staff has met with Mr. William F. Monk, planning consultant for the Petitioner, to discuss the office's comments regarding the above-referenced property. As a result of the meeting, staff wishes to revise its original comments dated December 7, 1989.

Staff supports the Petitioner's requests; however, the following conditions are recommended:

- No parking spaces shall be permitted in the public right-of-way.
- The plan should note that parking spaces dependent upon the county right-of-way could be lost in the event that Hazelwood Avenue is improved.
- A landscape plan, emphasizing street trees along Kenwood Avenue, shall be submitted to the County landscape planner for approval.
- A note shall be included on the landscape plan indicating that any landscaping provided in the public right-of-way shall be maintained by the Petitioner.
- The plat indicates that a fence is proposed for the western-most portion of the property. Prior to the erection of a fence, approval must be obtained from the Director of the Office of Planning and Zoning. This condition should be noted on the approved zoning plan.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

WILLIAM MONK, INC.

CAMPBELL BUILDING  
100 W. PENNSYLVANIA AVENUE  
Suite 305  
TOWSON, MD 21284  
301-494-8931

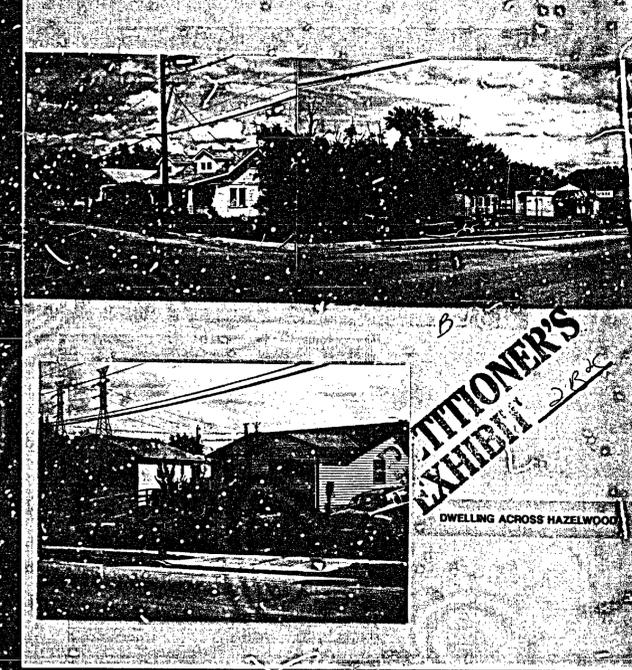
LAND USE PLANNING • ENVIRONMENTAL PLANNING • ZONING



WILLIAM MONK, INC.

CAMPBELL BUILDING  
100 W. PENNSYLVANIA AVENUE  
Suite 305  
TOWSON, MD 21284  
301-494-8931

LAND USE PLANNING • ENVIRONMENTAL PLANNING • ZONING



WILLIAM MONK, INC.

PETITIONER'S EXHIBIT 2

CAMPBELL BUILDING  
100 W. PENNSYLVANIA AVENUE  
Suite 305  
TOWSON, MD 21284  
301-494-8931

LAND USE PLANNING • ENVIRONMENTAL PLANNING • ZONING



EXISTING PROPERTY WITH DRIVE AND BUILDING

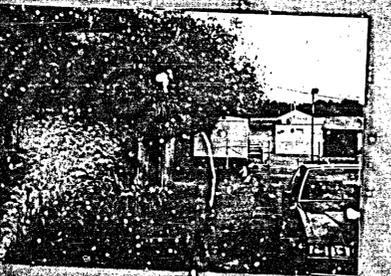


VIEW LOOKING WEST

WILLIAM MONK, INC.

CAMPBELL BUILDING  
100 W. PENNSYLVANIA AVENUE  
Suite 305  
TOWSON, MD 21284  
301-494-8931

LAND USE PLANNING • ENVIRONMENTAL PLANNING • ZONING



LANDSCAPE AND FENCE ALONG REAR LOT LINE

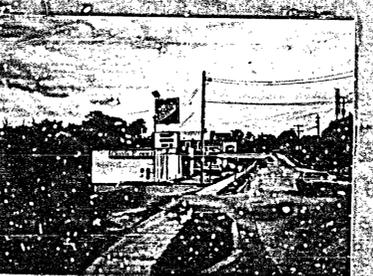


LOCATE BUILDING WHERE SERVICE WAY IS TO BE ADDED

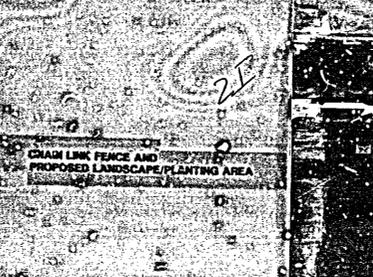
WILLIAM MONK, INC.

CAMPBELL BUILDING  
100 W. PENNSYLVANIA AVENUE  
Suite 305  
TOWSON, MD 21284  
301-494-8931

LAND USE PLANNING • ENVIRONMENTAL PLANNING • ZONING



VIEW LOOKING EAST



CHAIN LINK FENCE AND PROPOSED LANDSCAPE/PLANTING AREA

Baltimore County  
Zoning Commissioner  
Office of Planning and Zoning  
Towson, Maryland 21204  
(301) 887-3233  
J. Robert Haines  
Zoning Commissioner

11/24/89



Dennis F. Rasmussen  
County Executive

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Campden Avenue in Towson, Maryland 21204 as follows:

Petition for Zoning Variance and Special Exception  
CASE NUMBER: 90-248-21-22  
Corner of NE/S of Hazelwood Ave., W/S of Patuxent Ave.  
4902 Hazelwood Avenue  
14th Election District - 6th Councilman  
Legal Owner(s): Ambrose A. Fellner  
Contract Purchaser(s): Raymond F. Owen, Jr., et al.  
HEARING: WEDNESDAY, DECEMBER 20, 1989 at 9:30 a.m.

Special Exceptions for a service garage.  
Variance: To allow parking spaces in the street property line to line of the sidewalk 10 feet required.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES  
Zoning Commissioner of  
Baltimore County

Signature

**WILLIAM MONK, INC.**

LAND USE PLANNING • ENVIRONMENTAL PLANNING • ZONING

CAMPBELL BUILDING  
100 W. PENNSYLVANIA AVENUE  
Suite 305  
TOWSON, MD 21284  
301-494-8931

September 6, 1989

Mr. P. David Fields  
Director of Planning  
111 W. Chesapeake Avenue  
Room 406  
Towson, MD 21204

Re: 4902 Hazelwood Ave., Baltimore County, MD 21205

Dear Mr. Fields:

This is a request for verification that the above referenced property is exempt from the CRG requirements of Baltimore County.

I reviewed the project with Mr. Jim Oyle and based upon the facts in the case, he did not feel that it warranted CRG review or formal request for waiver to the CRG plan or process.

The facts in the case are:

1. The property is zoned B1-CMS. The zoning has been in place since 1965.
2. The building was originally constructed as a 2 bay service station and obtained a special exception (Case 65-146RX).
3. The building was converted to an electrical contractors office with storage facilities in 1976.
4. The applicant proposes to convert the building back to a service garage. There will be no exterior changes or enlargements to the building. It is a single use on an approved lot of record. No subdivision is required. The front portion of the site is paved in its entirety and a chain link fence presently fences-in about 3/4 of the site. No changes to the site are proposed. There will be no gasoline sales.
5. An application has been made for a special exception. The public hearing, as part of the special exception process, will provide for neighborhood

**PETITIONER'S EXHIBIT 7**

input and we will be meeting with the residents directly across the street shortly.

Based upon the facts presented, and if your office concurs that the proposed change of use is not subject to the requirements of the Baltimore County CRG plan and process, we respectfully request that you sign both originals in the space provided, retaining one for your file with the other to be returned to this office.

Cordially,  
**WMP-Mail**

William P. Monk

enclosures

cc: Ray Costrovo  
Ambrose A. Fellner

Note: We have enclosed a copy of the 1988 zoning map for your reference.

Frank W. Fisher for 9-25-89  
P. David Fields  
Director of Planning  
Baltimore County

**PETITIONER(S) SIGN-IN SHEET**

| NAME                     | ADDRESS  |
|--------------------------|--|
| Bill Monk                | 100 W. PENNSYLVANIA AVE<br>TOWSON, MD 21204      |
| Howard P. Newman         | SUITE 305<br>810 Bona Ave P. O.<br>Cato MD 21221 |
| Raymond P. Costrovo, Jr. | 3512 Blue Gate Dr.<br>Jennettville MD 21095      |
| Joseph A. Fellner        | 5 Colonial Oaks Dr. Phoenix                      |

**CERTIFICATE OF PUBLICATION**

November 30, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTH STIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Nov 29, 1989.

NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER

S. Zebe Orlean  
Publisher

**NOTICE OF HEARING**  
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property described herein at Room 406 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 on Wednesday, November 22, 1989 at 9:30 a.m.  
Petition for Zoning Variance and Special Exception  
Case Number: 89-248-1A  
Corner of N.E. of Hazelwood Avenue, E.S. of Westwood Avenue, E.S. of Emerald Avenue, E.S. of Westwood Avenue, E.S. of Emerald Avenue, E.S. of Westwood Avenue, E.S. of Emerald Avenue.  
Legal Owner: Artina Corporation  
Contract Purchaser: Raymond F. Costrovo, Jr.  
Hearing Date: Wednesday, Nov. 22, 1989 at 9:30 a.m.  
Special Exception: For a service garage, including 12-00 sq. ft. of parking space, on a lot of record. The proposed use is a single use on an approved lot of record. No subdivision is required. The front portion of the site is paved in its entirety and a chain link fence presently fences-in about 3/4 of the site. No changes to the site are proposed. There will be no gasoline sales.  
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commission will, however, entertain any request for a stay of the issuance of said permit during the appeal period. Such request must be in writing and received by the Zoning Commission at the hearing set above or presented to the Zoning Commission at its next meeting.  
J. ROBERT HAINES  
Zoning Commissioner of Baltimore County  
JAN 11 1989 November 30

**CERTIFICATE OF PUBLICATION**

TOWSON, MD., November 30, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Nov 30, 1989.

THE JEFFERSONIAN

S. Zebe Orlean  
Publisher

**NOTICE OF HEARING**  
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In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commission will, however, entertain any request for a stay of the issuance of said permit during the appeal period. Such request must be in writing and received by the Zoning Commission at the hearing set above or presented to the Zoning Commission at its next meeting.  
J. ROBERT HAINES  
Zoning Commissioner of Baltimore County  
JAN 11 1989 November 30

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3333  
J. Robert Haines  
Zoning Commissioner

Raymond F. Costrovo, Jr.  
3512 Elm Oak Drive  
Jennettville, Maryland 21095

DEC 12 1989



**Petition for Zoning Variance and Special Exception**  
CASE NUMBER: 89-248-1A  
Corner of N.E. of Hazelwood Avenue, E/S of Westwood Avenue  
4902 Hazelwood Avenue  
14th Election District - 6th Councilmanic  
Legal Owner(s): Ambrose A. Fellner  
Contract Purchaser(s): Raymond F. Costrovo, Jr.  
HEARING: WEDNESDAY, DECEMBER 20, 1989 at 9:30 a.m.

Dear Mr. Haines:

Please be advised that \$132.00 is due for advertising and posting of the above captioned property.  
THIS FEE MUST BE PAID AND THE HEARING SIGN & POST KEY(S) RETURNED ON THE DAY OF THE HEARING ON THE ORDER SHALL BE ISSUED. DO NOT REMOVE THE SIGN & POST KEY(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post key(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

J. ROBERT HAINES  
ZONING COMMISSIONER  
BALTIMORE COUNTY, MARYLAND

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3333  
J. Robert Haines  
Zoning Commissioner

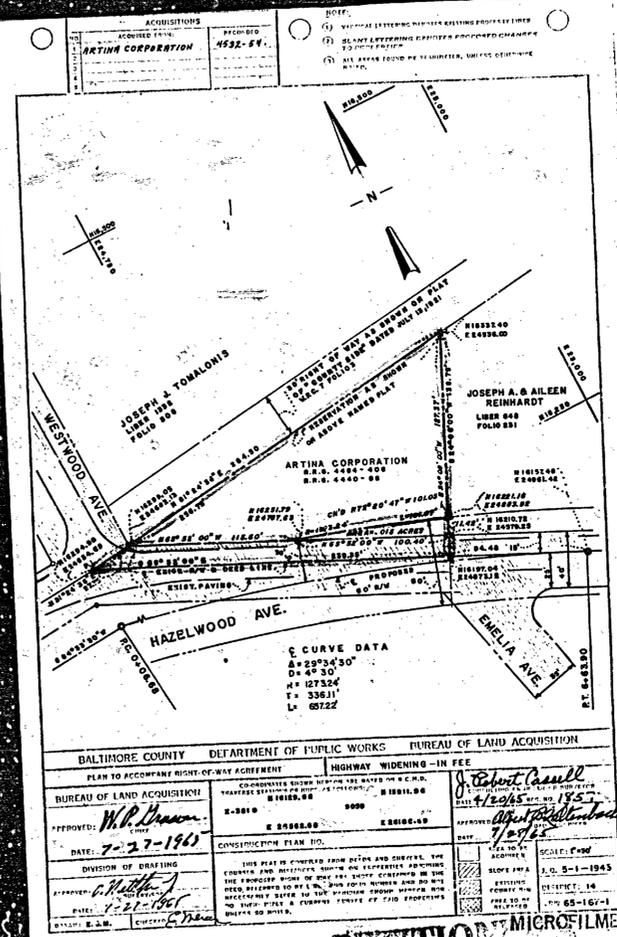
11/24/89



**NOTICE OF HEARING**  
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Petition for Zoning Variance and Special Exception  
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Corner of N.E. of Hazelwood Avenue, E/S of Westwood Avenue  
4902 Hazelwood Avenue  
14th Election District - 6th Councilmanic  
Legal Owner(s): Ambrose A. Fellner  
Contract Purchaser(s): Raymond F. Costrovo, Jr.  
HEARING: WEDNESDAY, DECEMBER 20, 1989 at 9:30 a.m.

Special Exception: For a service garage.  
Variance: To allow parking space 0 ft. from street property line in lieu of the minimum 10 feet required.  
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commission will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES  
Zoning Commissioner of Baltimore County



**CERTIFICATE OF POSTING**  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 14724  
Date of Posting: 11/21/89  
Posted for: Special Exception & Variance  
Petitioner: Raymond F. Costrovo, Jr.  
Location of property: 4902 Hazelwood Ave, Towson, MD  
Location of Sign: Facing Hazelwood Ave, across N.E.  
Number of Signs: 2

PETITION EXHIBIT 6

# PLAT TO ACCOMPANY SPECIAL EXCEPTION AND VARIANCE APPLICATION

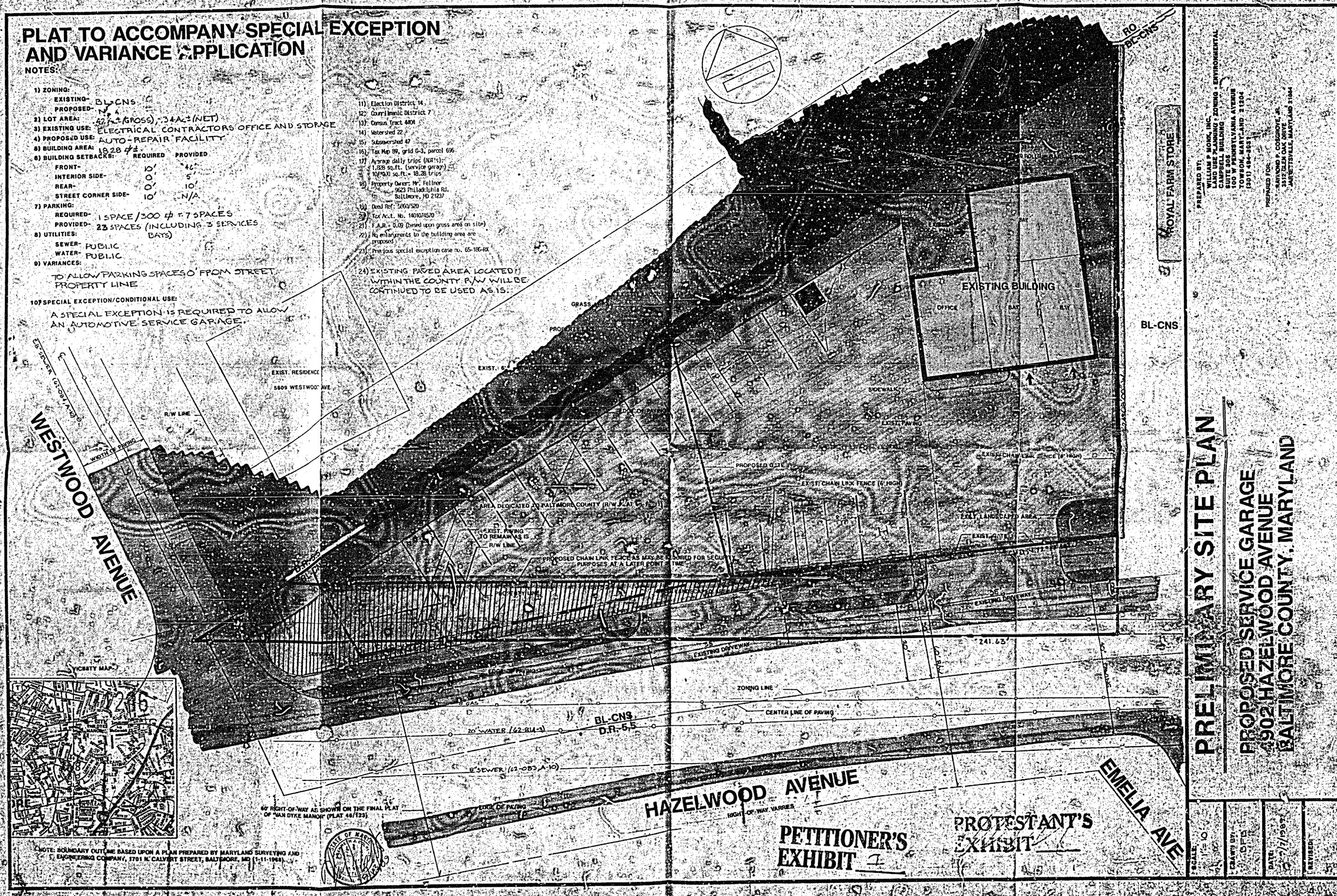
## NOTES:

- 1) ZONING:  
 EXISTING: BL-CNS  
 PROPOSED: N/A
- 2) LOT AREA: 47.2± (GROSS), 34.2± (NET)
- 3) EXISTING USE: ELECTRICAL CONTRACTORS OFFICE AND STORAGE
- 4) PROPOSED USE: AUTO-REPAIR FACILITY
- 5) BUILDING AREA: 1828 #±
- 6) BUILDING SETBACKS:
 

|                     | REQUIRED | PROVIDED |
|---------------------|----------|----------|
| FRONT-              | 10'      | 46'      |
| INTERIOR SIDE-      | 0'       | 5'       |
| REAR-               | 0'       | 10'      |
| STREET CORNER SIDE- | 10'      | N/A      |
- 7) PARKING:  
 REQUIRED: 1 SPACE/300 # = 7 SPACES  
 PROVIDED: 23 SPACES (INCLUDING 3 SERVICES BAYS)
- 8) UTILITIES:  
 SEWER- PUBLIC  
 WATER- PUBLIC
- 9) VARIANCES:  
 TO ALLOW PARKING SPACES 0' FROM STREET PROPERTY LINE
- 10) SPECIAL EXCEPTION/CONDITIONAL USE:  
 A SPECIAL EXCEPTION IS REQUIRED TO ALLOW AN AUTOMOTIVE SERVICE GARAGE.

- 11) Election District 14
- 12) Court/Innoc District 7
- 13) Census Tract 4404
- 14) Watershed 22
- 15) Subwatershed 47
- 16) Tax Map 89, grid G-3, parcel 696
- 17) Average daily trips (ADT's):  
 1,828 sq.ft. (service garage)  
 10/100 sq.ft. = 18.28 trips
- 18) Property Owner: Mr. Fellner  
 9623 Philadelphia Rd.  
 Baltimore, MD 21237
- 19) Deed Ref: 2000/520
- 20) Tax Acct. No. 1401074570
- 21) F.A.R. = 0.09 (based upon gross area on site)
- 22) No enlargements to the building area are proposed
- 23) Pre-judicial special exception case no. 65-186-10

24) EXISTING PAVED AREA LOCATED WITHIN THE COUNTY R/W WILL BE CONTINUED TO BE USED AS IS.



NOTE: BOUNDARY OUTLINE BASED UPON A PLAN PREPARED BY MARYLAND SURVEYING AND ENGINEERING COMPANY, 1701 N. CALVERT STREET, BALTIMORE, MD (1-11-1988)



PREPARED BY:  
 WILLIAM F. HONK, INC.  
 LAND USE PLANNING & ZONING - ENVIRONMENTAL  
 CAMPBELL BUILDING  
 SUITE 305  
 100 W. PENNSYLVANIA AVENUE  
 TOWSON, MARYLAND 21284  
 (901) 494-3631

PREPARED FOR:  
 DAN WOOD P. COOPER, JR.  
 4512 ELEN OAK DRIVE  
 JARRETTSVILLE, MARYLAND 21044

**PRELIMINARY SITE PLAN**

**PROPOSED SERVICE GARAGE**  
**902 HAZELWOOD AVENUE**  
**BALTIMORE COUNTY, MARYLAND**

|                 |               |              |           |
|-----------------|---------------|--------------|-----------|
| SCALE: 1" = 10' | DRAWN BY: JDF | DATE: 7/1/98 | REVISION: |
|-----------------|---------------|--------------|-----------|



PREPARED BY AIR PHOTOGRAPHICS, INC.  
HARTINSBURG, W.V. 25401

~~PROTESTANT'S~~  
~~EXHIBIT~~

BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

PETITIONER'S  
EXHIBIT 4

|   |                     |                      |
|---|---------------------|----------------------|
| SCALE<br>1" = 200' ±                      | LOCATION<br>OVERLEA | SHEET<br>N.E.<br>5-E |
| DATE OF<br>PHOTOGRAPHY<br>JANUARY<br>1986 |                     |                      |

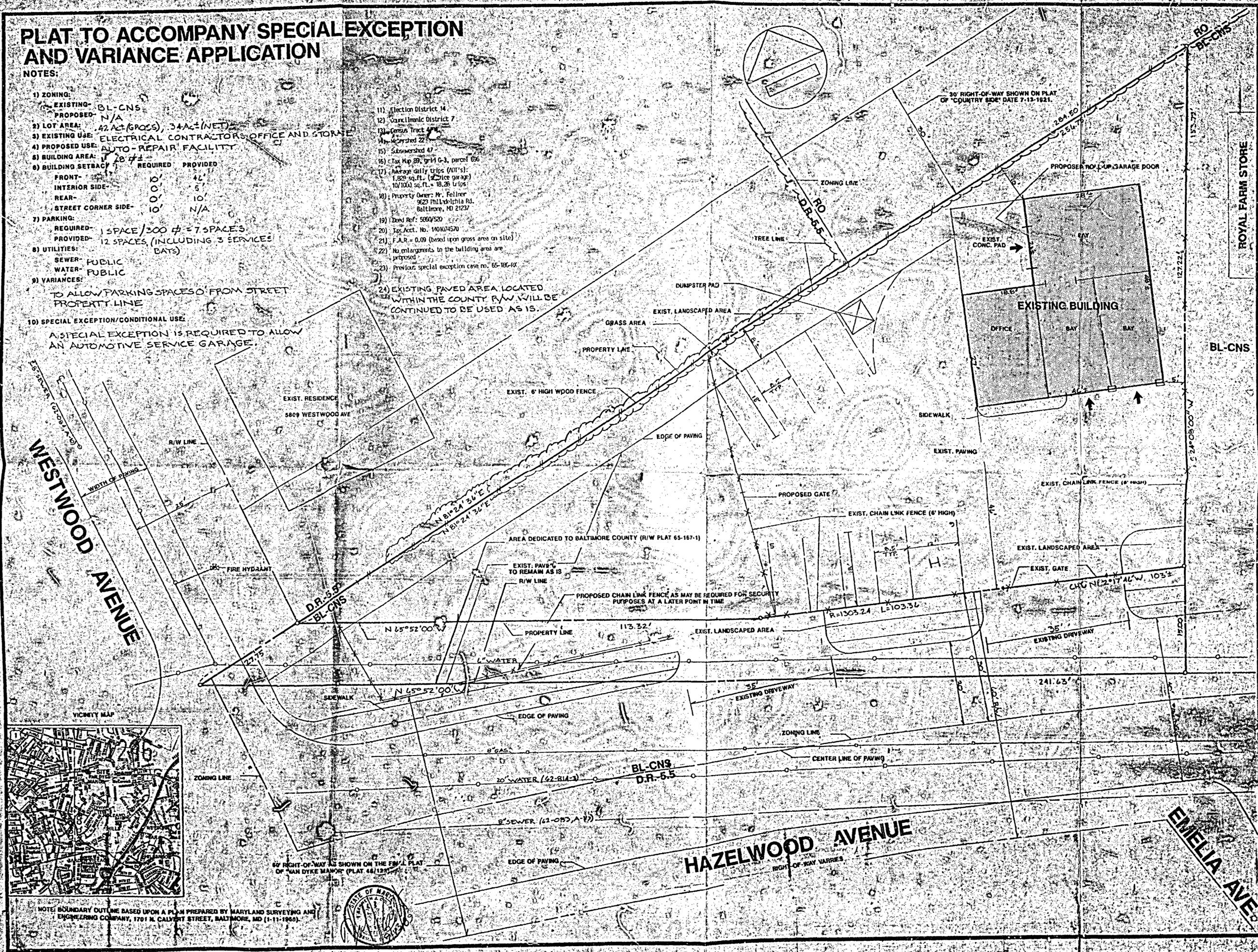
# PLAT TO ACCOMPANY SPECIAL EXCEPTION AND VARIANCE APPLICATION

## NOTES:

- 1) ZONING:  
EXISTING: BL-CNS  
PROPOSED: N/A
- 2) LOT AREA: 42 AC (GROSS), 34 AC (NET)
- 3) EXISTING USE: ELECTRICAL CONTRACTORS OFFICE AND STORAGE
- 4) PROPOSED USE: AUTO-REPAIR FACILITY
- 5) BUILDING AREA: 18,711
- 6) BUILDING SETBACK:
 

|                     | REQUIRED | PROVIDED |
|---------------------|----------|----------|
| FRONT-              | 10'      | 46'      |
| INTERIOR SIDE-      | 0'       | 5'       |
| REAR-               | 0'       | 10'      |
| STREET CORNER SIDE- | 10'      | N/A      |
- 7) PARKING:  
REQUIRED: 1 SPACE/300  $\#$  = 7 SPACES  
PROVIDED: 12 SPACES, (INCLUDING 3 SERVICES BAYS)
- 8) UTILITIES:  
SEWER: PUBLIC  
WATER: PUBLIC
- 9) VARIANCES:  
TO ALLOW PARKING SPACES FROM STREET PROPERTY LINE
- 10) SPECIAL EXCEPTION/CONDITIONAL USE:  
A SPECIAL EXCEPTION IS REQUIRED TO ALLOW AN AUTOMOTIVE SERVICE GARAGE.

- 11) Election District 14
- 12) Vancilmoric District 7
- 13) Census Tract 471
- 14) M.C. District 22
- 15) Subwatershed 47
- 16) Tax Map 89, Grid G-3, parcel 636
- 17) Average daily trips (ADT's):  
1,829 sq. ft. (2-bay garage)  
10/1000 sq. ft. = 18.29 trips
- 18) Property Owner: Mr. Fellner  
9623 Philadelphia Rd.  
Baltimore, MD 21237
- 19) Deed Ref: 5060/520
- 20) Tax Acct. No. 1401074570
- 21) F.A.R. = 0.09 (based upon gross area on site)
- 22) No enlargements to the building area are proposed
- 23) Previous special exception case no. 65-167-RV
- 24) EXISTING PAVED AREA LOCATED WITHIN THE COUNTY R.W. WILL BE CONTINUED TO BE USED AS IS.



PREPARED BY:  
WILLIAM P. MONK, INC.  
LAND USE PLANNING, ZONING & ENVIRONMENTAL  
CAMPBELL RD., SUITE 308  
100 W. PENNSYLVANIA AVENUE  
TOWSON, MARYLAND 21284  
(410) 498-9951

PREPARED FOR:  
DAVIDSON'S CONCRETE, INC.  
2512 CLEA OAK DRIVE  
ANNE ARISTEVILLE, MARYLAND 21034

102  
90-218-XA

**PRELIMINARY SITE PLAN**

**PROPOSED SERVICE GARAGE**  
**1902 HAZELWOOD AVENUE**  
**BALTIMORE COUNTY, MARYLAND**

SCALE: 1" = 10'

DRAWN BY: DFD

DATE: 5/17/83

REVISOR:

NOTE: BOUNDARY OUTLINE BASED UPON A PLAN PREPARED BY MARYLAND SURVEYING AND ENGINEERING COMPANY, 1701 N. CALVERT STREET, BALTIMORE, MD (1-11-1968).



90-248-4A  
248  
5/19/92

Mr Ronald Black  
3521 Northway Dr.  
21234

RE: Re Open Old Sunoco  
Station (Gas + Repair)  
4902 Hazelwood Ave. S. Subsequent  
Case # 90-248-4A, Permit # 8054749  
1474 Elct. Dist. (C-810-90)

Dear Mr. Black,

Reference is made to your meeting with HJ  
on 4/27/92 regarding the above  
refused property. You had requested that  
you be allowed to re-establish  
a gasoline service station on the premises. As indicated  
at the meeting, if the station was existing in continuance  
with zoning, and the use had not been changed,  
then it may be possible to reestablish the gasoline  
service. You had also mentioned that a zoning petition  
had been denied on the property.

A check of the zoning and permit records has  
revealed the following:

- On 2/13/60 the then DZCom. AMN granted  
a SE for a Service Gas. and repairs subject to  
14 restrictions. Testimony in the case indicated  
that the property was converted from a 2 bay  
ARCO service station to a convenience office and  
storage in 1976.
- On 8/14/61 a change of occupancy permit  
for a Service Gas. was issued to  
Raymond Orsgrave (R.O. Auto Serv.). There were  
some unresolved zoning comments regarding the  
visions to the site plan, however all approvals  
were given and the permit was issued.

It has been determined that due to the fact  
that the use has changed

John L. 4/27 4/27 meeting -  
Ronald Black 4/27 + work  
3521 Northway Dr. 21234  
Parkville - 426-5432  
3-687-6636

Proposed Re open Old Sunoco Sta.  
(Triangle)  
4902 Hazelwood Ave. + Kennel +  
Golden Ring  
Just Gas + Serv Last time open 8/90

Meeting w HJ 4/27 CDC-810-90  
3-054749

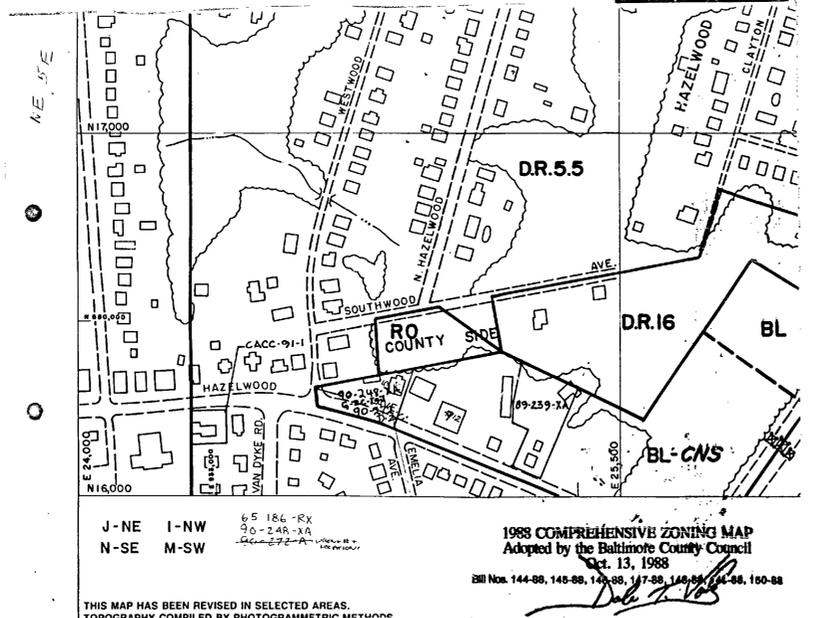
Ronald Black  
3521 Northway Dr 21234  
H-426-5432  
W-687-6636

Proposed Re-Open Old  
Triangle Sunoco Sta.  
Gas + Repair only  
4902 Hazelwood + Kennel + G.R.R.  
Last Time Open 8/90 14 E.D.

John, Could you check out if he  
is covered by S.E.

SE for Ser. Gas Granted 2/13/60 by AMN 14 Restrictions  
Not Utilized Carl

4/28  
ALL FILES AT MICROFILM.



WILLIAM MOYER INC. 2/15/92 Place - File To be a new set -  
LAND USE PLANNING • ENVIRONMENTAL PLANNING • ZONING dated prior to 1/1/88 of permit

LETTER OF TRANSMITTAL

DATE 2/15/92 OUR JOB NO. ANN  
FILE NO. YOUR JOB NO.

ATTENTION ANNA NASTARCWICZ  
4902 HAZELWOOD AVE  
BALTIMORE, MD 21234  
REMOVED PLAN PER  
ZONING ORDER 90-248-XA

TO BALTO COUNTY  
ZONING COMMISSIONERS OFFICE

GENTLEMEN:  
WE ARE SENDING YOU  Attached  Under separate cover via \_\_\_\_\_ the following items:  
 Shop drawings  Prints  Plans  Samples  Specifications  
 Copy of letter  Change order

| DRAWING NO. | FILE NO. | DESCRIPTION | ACTION |
|-------------|----------|-------------|--------|
| 2           |          | PRINTS      |        |
|             |          |             |        |
|             |          |             |        |
|             |          |             |        |
|             |          |             |        |
|             |          |             |        |
|             |          |             |        |
|             |          |             |        |
|             |          |             |        |
|             |          |             |        |

THESE ARE TRANSMITTED as checked below:  
 For approval  As requested  Submit \_\_\_\_\_ copies for distribution  
 For your use  Resubmit \_\_\_\_\_ copies for approval  Return \_\_\_\_\_ corrected prints  
 For review and comment  \_\_\_\_\_  
 FOR BIDS DUE \_\_\_\_\_ 19\_\_\_\_  PRINTS RETURNED AFTER LOAN TO US

REMARKS: A LANDSCAPE PLAN AND A FENCE PLAN WILL  
BE SUBMITTED PRIOR TO THE RESUMANCE OF  
ANY PERMITS

COPY TO: \_\_\_\_\_ THANK YOU  
SIGNED: BEN PROCKWAY  
If enclosures are not as noted, kindly notify us at once.

